



**Community Development
Planning Division**
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EXPEDITED LAND DIVISION FORM

This form must accompany all land division applications

What is an Expedited Land Division?

The expedited land division process provides an alternative to the standard procedures for a land division. An applicant may choose to use the expedited land division process if their request meets the criteria specified in Oregon Revised Statute (ORS) 197.360 (see reverse side). The steps in this procedure differ from the regular land division procedure, but still include public notice and opportunity for appeal per ORS 197.365 and ORS 197.375. Please be advised that the expedited land division process may be significantly more expensive than the standard land division process.

Is it faster than the standard land division process?

On average, City of Corvallis makes a decision to approve or deny a standard land division application within 32 days of receiving a complete application. The expedited land division provides a local process where the final decision must be rendered within 63 days or less and this timeframe can only be extended by Council action. The Land Use Board of Appeals (LUBA) does not have jurisdiction to review a final City decision on an Expedited Land Division.

What are the requirements to qualify for the Expedited Land Division process?

ORS 197.360 lists the requirements to qualify for an expedited land division review. These requirements are summarized below.

The proposed land division:

1. Must be on residentially zoned land and must be solely for the purpose of residential use;
2. Must not create building lots that provide for dwellings or accessory buildings within areas that contain natural resource protections;
3. Must satisfy all City street standards and connectivity requirements; and
4. Must either
 - a. Create enough parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zone
 - b. Be sold or rented to households with incomes below 120 percent of the Benton County median family income.

Are you applying for an Expedited Land Division?

Yes _____ No _____ (If yes, please attach a written description of how the proposal satisfies ORS 197.360)

Property Location: _____

Applicant Name: _____

Applicant Signature: _____

197.360 "Expedited land division" defined; applicability. (1) As used in this section:

(a) "Expedited land division" means a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:

- (A) Includes only land that is zoned for residential uses and is within an urban growth boundary.
- (B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
- (C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
 - (i) Open spaces, scenic and historic areas and natural resources;
 - (ii) The Willamette River Greenway;
 - (iii) Estuarine resources;
 - (iv) Coastal shorelands; and
 - (v) Beaches and dunes.
- (D) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.
- (E) Will result in development that either:
 - (i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 - (ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.
- (b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.
- (2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.
- (3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:
 - (a) The physical characteristics of permitted uses;
 - (b) The dimensions of the lots or parcels to be created; or
 - (c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
- (4) An application for an expedited land division submitted to a local government shall describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section. [1995 c.595 §7; 2015 c.260 §1]

197.365 Application for expedited land division; notice requirements; procedure. Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360:

(1)(a) If the application for expedited land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

- (a) State:
 - (A) The deadline for submitting written comments;
 - (B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and
 - (C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.
- (b) Set forth, by commonly used citation, the applicable criteria for the decision.
- (c) Set forth the street address or other easily understood geographical reference to the subject property.
- (d) State the place, date and time that comments are due.
- (e) State a time and place where copies of all evidence submitted by the applicant will be available for review.
- (f) Include the name and telephone number of a local government contact person.
- (g) Briefly summarize the local decision-making process for the expedited land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

- (a) Provide a 14-day period for submission of written comments prior to the decision.
- (b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the local government's land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

- (A) Shall not hold a hearing on the application; and
 - (B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

- (A) The summary statement described in paragraph (b)(B) of this subsection; and
 - (B) An explanation of appeal rights under ORS 197.375. [1995 c.595 §8; 2015 c.260 §3]